

REMARKS

Claims 2-4, 6-8, 10-12, and 14-30 are pending in the present application. Claims 2, 4, 6, 8, 10, 12, 14, 16, 17, and 24 have been amended. Claims 2-4, 6-8, 10-12, 14-17 and 24 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

Rejection Under 35 U.S.C. § 102

Malcolm

Claims 3, 7, 11, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,781,540 to Malcolm et al. (hereafter "Malcolm"). This rejection is respectfully traversed.

Independent claims 3, 7, 11, and 15 each recites a communication system or method that sets a periodic transmission timing in accordance with a network path, where each period of the transmission timing includes a data transmission time and a quasi-data transmission time. It is respectfully submitted that Malcolm fails to teach or suggest such features.

In the Response to Arguments, the Examiner argues that Malcolm teaches transmitting data in assigned and re-occurring time slots (see Office Action at page 2, 2nd paragraph). However, even though Malcolm's carrier signal is divided into time slots, Malcolm's carrier signals still does not teach or suggest the claimed periodic timing. Particularly, Malcolm's time slot cannot be interpreted as the claimed period because it does not include both a data transmission time and quasi-data transmission time as claimed.

Further, Malcolm's invention expressly transmits according to bursts and, thus, does not set a periodic transmission timing as claimed. See col. 1, lines 6-16; col. 1, line 66 – col. 2, line 7. Also, Malcolm does not teach or suggest assigning bits in such a manner that all the bits in a particular symbol are transmitted during the same period of a periodic transmission timing, as claimed.

At least for the reasons set forth above, Applicants respectfully submit that claims 3, 7, 11, and 15 are allowable over Malcolm. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Chow

Claims 2, 4, 6, 8, 10, 12, 14, 16, 17, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,009,122 to Chow (hereafter “Chow”). This rejection is respectfully traversed.

In the Amendment filed June 21, 2007, Applicants previously argued that Chow fails to teach or suggest organizing the data bits into symbols before assigning them to the bit spaces allocated for transmission, as claimed. In the Response to Arguments, the Examiner asserts that the claims do not recite that the organizing step precedes the assigning step. Applicants respectfully disagree with the Examiner. Particularly, Applicants submit that the language in the aforementioned claims implicitly require the data bits to be organized into symbols before they are assigned to the allocated bit spaces. However, in an effort to expedite prosecution, Applicants have amended the aforementioned claims to recite, “wherein the transmitter organizes the data bits into the units of symbols before assigning the data bits to the bit spaces allocated for transmission.” Since Chow does not teach or suggest such a feature, Applicants submit that claims 2, 4, 6, 8, 10, 12, 14, 16, 17, and 24 are in condition for allowance.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 103

Claims 18-23 and 25-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chow. In this rejection, Applicants respectfully submit that the Examiner has failed to propose any modification of Chow that remedies the deficiencies set forth above in connection with independent claims 17 and 24. Accordingly, Applicants respectfully submit that claims 18-

23 and 25-30 are allowable at least by virtue of their dependency on claims 17 and 24. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

It is respectfully submitted that all stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

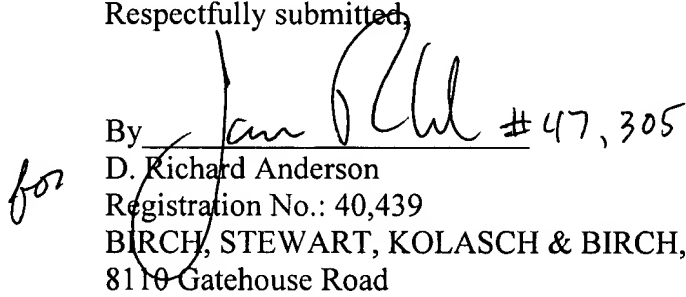
Application No. 09/559,175
Amendment dated October 31, 2007
After Final Office Action of September 19, 2007

Docket No.: 2611-0125P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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